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9	BEFORE THE BOARD OF REGISTERED NURSING
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
11	
12	In the Matter of the Accusation Against: Case No. 2007-243
13	MANUEL R. LAGMAY, a.k.a. MANUEL RABOT LAGMAY ACCUSATION
14	604 Menteth Point Drive Millersville, MD 21108-1450
15	Registered Nurse License No. 406129
16	Respondent.
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18	Complainant alleges:
19	PARTIES
20	1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22	("Board"), Department of Consumer Affairs.
23	2. On or about October 31, 1986, the Board issued Registered Nurse License
24	Number 406129 to Manuel R. Lagmay, also known as Manuel Rabot Lagmay ("Respondent").
25	Respondent's registered nurse license was in full force and effect at all times relevant to the
26	charges brought herein and will expire on January 31, 2008, unless renewed.
27	onargos orought herein and will expire on sandary 51, 2006, unless renewed.
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STATUTORY PROVISIONS

- 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . .
 - 6. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

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COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Criminal Conviction)

Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (f), in that he was convicted of a crime which is substantially related to the qualifications, functions, and duties of a registered nurse, as follows: On or about March 29, 2006, in the criminal proceeding titled *U.S.A. v. Manuel R. Lagmay, Defendant* (U.S. District Court, District of Columbia, 2006, No. 06-0002), Respondent was convicted by the Court on his plea of guilty to one felony count in violation of 18 U.S.C. section 371 (conspiracy). The circumstances of the crime are that, from approximately July 2000 through approximately December 2003, Respondent knowingly combined, conspired, confederated, and agreed, together with others known and unknown, to commit health care fraud by devising a scheme and artifice to defraud Howard University Hospital, and to obtain its money and property in an amount exceeding \$320,000, by means of materially false and fraudulent pretenses, representations, and promises, in connection with the delivery of or payment of health care benefits, items, or services.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 406129, issued to Manuel R. Lagmay, also known as Manuel Rabot Lagmay;
- Ordering Manuel R. Lagmay, also known as Manuel Rabot Lagmay, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

1	3. Taking such other and further action as deemed necessary and proper.
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3	DATED: 4/10/07
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5	RUTH ANN TERRY, M.P.H., R.N. Executive Officer
6	Executive Officer Roard of Pegistered Nursing
7	Board of Registered Nursing Department of Consumer Affairs State of California
8	Complainant
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